

CABINET MEMBER DECISION

Decision:

Public Questions

(i) Details of decision

Three public questions were submitted to the Cabinet Member for All-Age Learning and the questions and responses were published in a supplementary agenda on Wednesday, 29 January 2020. The representative from Family Voice Surrey was unable to attend the meeting but submitted three supplementary questions in writing. The Cabinet Member considered the supplementary questions at the meeting and agreed to provide a response outside the meeting which is attached to this decisions sheet as Annex 1.

(ii) Reasons for decision

To respond to the public questions.

(iii) Details of any alternative options considered and rejected

None.

(iv) Details of any consultation and representations received not included in the published report

Witnesses:

Mary Burguieres, Assistant Director, Systems and Transformation
Joss Butler, Committee Manager

Key points raised in the discussion:

1. The Cabinet Member formally recognised issues Family Voice Surrey raised within the public questions. This included:
 - the need to build trust in parents and carers;
 - the need to consider circumstances on a case by case basis;
 - the need for the Council to ensure any judgements were properly communicated; and
 - the need to ensure parents and carers are made aware of any changes to policy as soon as possible.
2. The Cabinet Member also noted that it had been agreed to provide Family Voice Surrey with oversight of discretionary decisions made by the Council with the intention to promote transparency.

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None.

Decision taken by:

(i) Name: Julie Iles

(ii) **Portfolio:** Cabinet Member for All-Age Learning Decisions

Date of Decision: 31 January 2020

Date of Publication of Record of Decision: 3 February 2020

Date decision effective (this decision cannot be called in): 3 February 2020

CABINET MEMBER DECISION

Decision:

Home to School/College Travel and Transport Policy

(i) Details of decision

The Cabinet Member for All-Age Learning considered and took into account the analysis of the responses to the public consultation (Annex A of the report), the equality impact assessment and the mitigations of key concerns and impacts (Annex B of the report), and

- 1 endorsed the strong focus on independence and preparation for adulthood in the new policy
- 2 approved the recommended three policy options that were the subject of consultation covering:
 - 2.1 transport for children below the age of 5 (paragraph 12 of the report)
 - 2.2 transport for children of compulsory school age who turn 8 (paragraph 13 of the report)
 - 2.3 transport for young people aged 17 – 18 (paragraph 14 of the report)
- 3 approved Surrey County Council's Home to School/College Travel Assistance and Transport Policy (Annex C of the report)
- 4 approved the policy implementation timetable (paragraphs 15-16 of the report)

(ii) Reasons for decision

The Council has a responsibility to support greater independence of young people as an important step towards adulthood and to enabling them to fulfil their potential. Equally, the Council has a responsibility to meet its statutory duties related to home to school transport for eligible children and young people. The proposed policy meets these statutory duties and the implementation timetable allows families and young people sufficient time to prepare for changes to discretionary provision.

(iii) Details of any alternative options considered and rejected

None.

(iv) Details of any consultation and representations received not included in the published report

Witnesses:

Mary Burguières, Assistant Director, Systems and Transformation
Joss Butler, Committee Manager

Key points raised in the discussion:

1. The Assistant Director introduced the report and provided a brief summary of the report and the included annexes. The Cabinet Member confirmed that she had fully considered all material available.
2. The Cabinet Member presented an overview of her consideration of the public consultation, equality impact assessment and mitigations and her decision in light of this. This statement is attached to this decision sheet as Annex 2.

Conflicts of Interest and any Dispensations Granted

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)

None.

Decision taken by:

- (i) Name:** Julie Iles
- (ii) Portfolio:** Cabinet Member for All-Age Learning

Date of Decision: 31 January 2020

Date of Publication of Record of Decision: 3 February 2020

Date decision effective (i.e. 5 working days after date of publication of record of decision unless subject to call-in by the Children, Families, Lifelong Learning and Culture Select Committee): 11 February 2020

CABINET MEMBER FOR ALL-AGE LEARNING DECISIONS

31 January 2020

PROCEDURAL MATTERS

ITEM 2B – SUPPLEMENTARY QUESTIONS

1. Supplementary question submitted by Andrea Collings, Family Voice Surrey

In the response to our first question, the Council refers to parental duty to get the child to school but does not acknowledge that this duty applies only where the child is on the roll of a school and is of statutory school age. There is no duty on parents or Local Authorities to ensure or facilitate attendance before the age of 5 but both parents and councils recognise the value of early years education, not least for children with Special Educational Needs and Disabilities (SEND), where appropriate early intervention can have a massive impact on the child's development and potential for progress. There is an inherent contradiction in commissioning specialist early years places and assessing young children's needs to match limited places with those with the most severe and complex needs and then allowing that child to miss out on timely intervention, if their parents are unable to make the arrangements to transport the child themselves, due to distance, lack of access to own transport or suitable public transport, low income, ill health or clash with getting a sibling to school at the same time. Not every parent has the luxury of a support network to rely on to help deliver and collect a school-age sibling, while they bring the younger child to a specialist placement which may be some distance from where they live. Is it fair, transparent and sensible, both in terms of the impact for families and the extra administrative costs for the council, to have to potentially treat every request for support from this age group as an exceptional case? Would it not be more practical and fairer to specify that if a young child is assessed as needing a specialist placement and the parent can demonstrate that they cannot get them there without significant hardship, that the council will provide support? The duty in the case of young people of sixth form age, lies not with the parent but with the young person themselves (the duty to participate in education or training) and with the council to make such arrangements as it considers necessary to facilitate the young person's engagement with education, and with particular regard to removing barriers and promoting choice for young people with SEND. The purpose of a policy is to make the rationale for decisions clear to all those affected; how can it be possible for those affected to know whether they are eligible for support when each case is treated as a one-off and the justification for the Council's decisions is not publicly available? As things stand, visibility on the decision-making process could only come through the time-consuming and sometimes costly process of bringing each case that is not satisfactorily resolved to the attention of the Local Government Ombudsman (LGO).

Reply:

The Cabinet Member report sets out both Councils' and parents' duties. Please see paragraphs 27 – 31 of the report in which the Monitoring Officer explains the legal implications.

Outside of children of statutory school age (5-16), the Council is able to exercise its discretion to provide travel assistance. It does so on a case by case basis taking into account extenuating circumstances that prevent a child or young person accessing education unless travel assistance is put in place. As previously stated, the Council's policy sets out what circumstances will not normally be taken into account such as parental work commitments or other children in the family. It also provides examples of where a child's needs will be taken into consideration.

2. Supplementary question submitted by Andrea Collings, Family Voice Surrey

We refer to the new policy document within the briefing report which includes all the changes highlighted in our question, most of which were not brought to the public's attention during the period of consultation. Please could the council explain the status of this policy document and confirm whether the issues highlighted have also been subject to the scrutiny of the Council's legal service? Family Voice Surrey (FVS) will happily share references to the relevant statutory guidance and LGO cases which indicate that certain elements of this policy are not compliant.

Reply:

The proposed Surrey County Council Home to School/College Travel and Transport Policy (Annex C of the Cabinet Member report), subject to Cabinet Member decision and a call in period, will be adopted and published by the Council on 10 February 2020. The proposed policy document has been subject to the scrutiny of the Council's legal service.

3. Supplementary question submitted by Andrea Collings, Family Voice Surrey

Family Voice Surrey welcomes the Council's willingness to explore other options to reducing costs that will be less likely to have a negative impact on SEND families, we will on our part gladly support analysis of the costs, benefits and practicalities of these options. We ask again whether the council will agree to delay implementing the current proposals pending the results of this analysis?

Reply:

Thank you for your offer to support analysis of various transport options. As stated in reply to Question 2, subject to Cabinet Member decision making and call in, the Council will adopt and publish the policy on 11 February 2020.

Julie Iles
Cabinet Member for All-Age Learning
31 January 2020

As the Cabinet Member for All-Age Learning I have delegated responsibility from the Leader and Cabinet for decisions related to home to school travel and transport.

Today, I am being asked for my approval to implement a revised Surrey County Council Home to School/College Travel and Transport Policy following the conclusion of a twelve week public consultation between September and December 2019. All Councils are required periodically to review and consult on their home to school travel arrangements. In doing so, Surrey County Council has sought to create opportunities to improve outcomes for children and young people in Surrey, particularly those with special educational needs and disabilities (SEND).

I have read the Cabinet Member report of Dave Hill, Executive Director for Children, Families, Lifelong Learning and Culture, as well as the analysis of the responses to the public consultation (Annex A), the equality impact assessment and the mitigations of key concerns and impacts (Annex B) and the proposed new Home to School/College Travel and Transport Policy (Annex C), and take each of these into account in my decision making.

My attention is drawn in particular to the extensive public engagement and consultation that has taken place. Before the formal consultation was published, young people with SEND were asked for their views regarding support for travel. Nine public events were held during the twelve week consultation in both daytime and evening attended by parents, young people, professionals and representatives of Family Voice Surrey and Healthwatch. Further focus groups were held with young people and head teachers. The Children, Families, Lifelong Learning and Culture Select Committee heard in public evidence from expert witnesses in Family Voice and the Council on the proposals. The Council reached out widely for views in order to inform these recommendations.

I will now set out my considerations in turn.

Decision 1: Endorsing the focus on independence and preparation for adulthood in the new policy

As regards the Council's proposal to promote opportunities for greater independence for young people, through for instance independent travel training and collection points, I am mindful that throughout the consultation, the Council heard and acknowledged the concerns of parents and carers of children and young people with SEND for their children's safety. This was a key concern raised in both the online consultation and the public events. Equally, the Council heard and acknowledged the feedback from young people with SEND that they value their independence, they have aspirations for their lives and they want their parents, schools and the services that support them to prepare them for adulthood.

I have considered and taken into account the mitigations identified in the Equality Impact Assessment to provide for the safety of children and young people when independent travel options are being considered. I am satisfied that the training process for independent travel training is tailored to the individual's needs and abilities and allows families and the individual to feedback on the readiness for independent travel. Most consultation respondents support the Council encouraging young people with the potential to travel independently to do so with the right support in place.

I am also satisfied that each child and young person would be assessed as an individual in relation to their ability to access a collection point, and that any potential collection point would be assessed for suitability. Most consultation respondents support the Council using

collection points if they were assessed for suitability and agreed that for some children and young people they would be beneficial.

I am also mindful that the Council has identified significant positive impacts from the promotion of independence and that these should be balanced against negative impacts.

Taking all this into account, I agree to this recommendation.

Decision 2: Approving the three policy options that were the subject of the consultation

As regards the Council's proposals to change its policy on the provision of discretionary travel assistance, I am mindful that parents have a primary responsibility for ensuring that their statutory school age children attend school regularly and this includes the obligation to transport them. However in line with legislation and guidance, the Council does have powers to provide assistance on a discretionary basis.

I am also mindful of the Council's fiduciary duty to its council tax payers, and in my considerations will take account the interests of residents who have contributed to the Council's income and balance those interests against those who benefit from the expenditure.

1. transport for children below the age of 5

Throughout the consultation, the Council heard that for children who are four years old beginning Reception, their parents may not start them in the beginning of the academic year if travel assistance is not provided. Consultation respondents were concerned this could delay children accessing education and could be destabilising for Reception classes where children are joining throughout the year. This could be particularly destabilising for a Reception class with children with SEND.

I have considered and taken into account the mitigations identified in the Equality Impact Assessment to communicate the changes to families who may be affected so that they can make alternative travel arrangements and to work with schools to identify travel options to enable a child to access a placement. I am also mindful that the Council will consider applications for children in Reception on a case by case basis using its discretionary powers where extenuating circumstances are identified.

Taking all this into account, I agree to this recommendation.

2. transport for children of compulsory school age who turn 8

Throughout the consultation, the Council did not hear specific negative impacts for children who turn 8 and who live between 2 to 3 miles from their nearest suitable school and receive travel assistance. However, a majority of the consultation respondents indicated that the Council should continue to provide free home to school transport to the end of the academic year (rather than term) in which a child turns 8.

I have taken into account the Council's risk management and consider that this proposal implements travel arrangements that are predictable for the family and child and for which they can reasonably prepare. I am also mindful that the Council will consider applications for children in this group on a case by case basis using its discretionary powers where extenuating circumstances are identified.

Taking all this into account, I agree to this recommendation.

3. transport for young people aged 17 -18

Throughout the consultation, the Council heard that for post 16 young people, their college options could be limited if they were unable to access the course they want without travel assistance. This may mean that they undertake a different course closer to home, or no course at all.

I have considered and taken into account the mitigations identified in the Equality Impact Assessment to communicate the changes to families and young people who may be affected so that they can make alternative travel arrangements and to work with colleges to identify travel options to enable a young person to access a place. I note that the Council will continue to promote discounted travel schemes to all post 16 students, and the support for independent travel discussed previously. Finally, I acknowledge the Council's work to develop and extend the local post 16 offer, creating more opportunities for study closer to home.

I am also mindful that the Council will consider applications for post 16 young people on a case by case basis using its discretionary powers where extenuating circumstances are identified.

Taking all this into account, I agree to this recommendation

Decision 3: Approving Surrey County Council's Home to School/College Travel and Transport Policy

Having agreed that the new policy should promote independence and the three policy options that were the subject of consultation, I approve the proposed Surrey County Council Home to School/College Travel and Transport Policy (Annex C). Delivery of the outcomes sought through the policy will promote independence and preparation for adulthood for children and young people, more efficient use of public resources and enable the Council to continue to deliver its statutory responsibilities for home to school transport.

I make this decision on the basis that the Council has undertaken a full consultation exercise with the public and stakeholders, and full account of the relevant legislation and guidance.

Decision 4: Approving the policy implementation timetable

My final decision regards the implementation of the policy as set out in paragraphs 15 and 16 of the Cabinet Member report.

Taking into account the responses to the consultation, the Equality Impact Assessment and the mitigations of impacts and the relevant legislation, I approve the proposed implementation timetable which is for:

- Travel assistance for children below the age of 5 – for September 2020
- Travel assistance for children who are 8 – for September 2021
- Travel assistance for young people over the age of 16 – for September 2020

I consider that the wide communication to children and young people and families through the Surrey Local Offer, through schools and settings and directly with families will enable them to make alternative travel arrangements for which they can reasonably prepare.

Conclusion

I consider that the Council has approached the review and consultation on its home to school travel arrangements in a fair and open manner. It has listened to feedback and views, assessed their impacts and put in place mitigations for potential negative impacts.

I would like to thank the many parents and carers, young people, school professionals and residents who contributed their views and feedback to the Council during the course of this review and consultation. I would also like to thank the Council officers who led this review and engaged extensively with families, residents and professionals.